

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

RONALD E. DIBELLO,  
TDCJ 1950461,

Plaintiff,

*versus*

ANGELA SMITH, ET AL.,

Defendants.

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CIVIL ACTION H-15-445

### Opinion on Dismissal

Ronald Dibello sues Angela Smith, Samuel Cammack, and Richard Oliver for civil rights violations. 42 U.S.C. § 1983. He moves to proceed as a pauper. 28 U.S.C. § 1915. Dibello is held in a Texas prison under a Harris County conviction.

Smith is the assistant district attorney who prosecuted Dibello. Cammack and Oliver are the attorneys who defended him. Dibello states Smith took advantage of the judge by pressuring him to allow a video to be shown to the jury that should not have been considered as evidence. He says Smith obtained the conviction using false testimony, the inadmissible video, insufficient evidence, a poor investigation, improper outcry witnesses, and an unethical jury argument. He claims the defendants misused the judicial power of the State and obtained an unjust conviction. Dibello seeks damages for civil rights violations.

A civil rights claim for damages which challenges the validity of a conviction cannot proceed unless the conviction has been held invalid. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). Dibello's claims implicate the validity of his conviction and confinement. He does not show that a court has overturned his conviction. *Heck v. Humphrey* bars his claims. Dibello fails to state a claim recognized at law. The complaint will be dismissed.

Signed June 22, 2015, at Houston, Texas.



Lynn N. Hughes  
United States District Judge